

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2550 OF 2023

Kiran Lakshaman Jadhav ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Prakash Hagare, for the Applicant
Mr. R.M. Pethe, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : SEPTEMBER 07, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 185 of 2023 registered at State Exicse, Daund Division, Pune for the offences punishable under section 328 of Indian penal Code, 1860 and sections 65(a), (b), (c), (d) (ef), (f), 81, 83, 90 and 108 of Maharashtra Prohibition Act, 1949.
3. Pursuant to an intimation, the co-accused Abhishek Suryawanshi was apprehended on 13th August, 2023 at Shiv Nagar, Bhigwan Road, Baramati. On the basis of the leads provided by the said accused, other accused Nilesh Jadhav, Nikhil Jadhav, Shyam Ingule and Digvijay Landge were also apprehended. On the basis of disclosure made by the co-accused Shyam Ingule, 360 Ltr spirit was

seized from an open place at Trimurti Nagar, BAKP English School, Jalochi Road, Baramati. Filling and sealing machines were also seized. It is the allegation of the prosecution that the investigation revealed that the applicant had provided the filling and sealing machines.

4. Apprehending arrest the applicant approached the Court of Session. By an order dated 31st August, 2023 the learned Additional Sessions Judge declined to exercise the discretion in favour of the applicant.

5. Learned counsel for the applicant submits that there is no material to connect the applicant with the alleged offences except the statement of the co-accused. The incriminating articles as well as the apparatus utensils have been seized. In the backdrop of the nature of the accusation, the custodial interrogation of the applicant is not necessary.

6. Mr. Pethe, learned APP submitted that the complicity of the applicant is revealed during the course of the investigation.

7. Prima facie, it appears that the applicant has been roped in on the basis of the statement of the co-accused. At the highest, the role attributed to the applicant is that of providing filling and sealing machines for illegal manufacturing of the liquor from the spirit which came to be seized. Having regard to the nature of

accusations, the custodial interrogation of the applicant does not seem to be warranted. He appears to have roots in the society. Possibility of fleeing away from justice appears to be remote.

8. I am, therefore, inclined to exercise the discretion in favour of the applicant.

Hence, the following order.

ORDER

1] In the event of arrest in C.R. No. 185 of 2023 registered at State Excise, Daund Division, Pune the applicant Kiran Lakshaman Jadhav be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.

2] The applicant shall attend the office of Excise Inspector, Daund Division, on every alternate Saturday inbetween 10.00 am to 1.00 pm for a period of one month.

3] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or the persons acquainted with the facts of the case.

4] It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)